

State court won't hear suit alleging priest abuse

■ Eight say they were molested; statute of limitations has run out.

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The state Court of Appeals declined on Tuesday to hear a lawsuit against the Roman Catholic Diocese of Rochester and a priest accused of molesting eight men when they were boys — essentially bringing the case to the end of its judicial journey.

The suit had previously been dismissed by a state Supreme Court justice because the statute of limitations had run out. Because the highest court in the state declined to hear it, the decision stands.

"It's unfortunate that the merits of this claim won't be addressed because of the technicality of the statute of limitations," said John Bansbach, attorney for the men, who say they were abused in the 1970s.

The suit claims that the boys were molested by the Rev. Robert O'Neill at his cottage in Jefferson County and that the diocese attempted to conceal the abuse. The suit didn't specify an amount the plaintiffs were seeking.

The statute of limitations has been central to court decisions in the case and in similar cases around the nation. New York law mandates that victims of sexual abuse file suit within a year of their abuse or, in the case of juvenile victims, within a year after their 18th birthday.

Other states have changed their laws and accepted the concept of "delayed discovery." Connecticut, for example, allows victims of juvenile abuse to



File photo 1979

Robert O'Neill
Priest accused of abusing eight boys in the 1970s.

bring suit up to age 48.

"The court doesn't explain why it won't hear an appeal," said Gary Spencer, spokesman for the state Court of Appeals. It works the same way that the U.S. Supreme Court does, picking and choosing its cases, he said, adding that sometimes it picks cases where there's something that needs to be clarified. "But I can't say what the court was thinking."

O'Neill, who is now retired, served at the Nativity of the Blessed Virgin Mary Church in Brockport, Holy Cross Church in Rochester, Church of the Annunciation in Rochester and St. Christopher Church in Chili.

When reached Tuesday, he said only, "I think the court has spoken for us."

The diocese had not yet received the decision Tuesday and did not want to comment.

"As always, we urge that any person who has been a victim of abuse by a person working for the church to call our victims' advocates so that we can provide help and guidance," said spokesman Doug Mandelaro.

The advocates are Barbara Pedeville, (585) 328-3228, ext. 1215, and the Rev. Robert Ring, (315) 730-0882. □

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